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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,433

05/05/2004

Robert Spriggs

141901

3432

23413 7590 03/23/2009
CANTOR COLBURN, LLP
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EXAMINER

SAX, STEVEN PAUL

ART UNIT

PAPER NUMBER

2174

NOTIFICATION DATE

DELIVERY MODE

03/23/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No.	Applicant(s)	
	10/709,433	SPRIGGS ET AL.	
	Examiner	Art Unit	
	Steven P. Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-13,18-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2, 7-13, 18-20, 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This application has been examined.
2. The amendment filed 10/22/08 has been entered. Accordingly, claim 23 has been cancelled.
3. In view of the newly found art, the claims are deemed unallowable, but this action is non-final.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-2, 7-13, 19-20, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furem et al (2008/0201108) and Marsh et al (2006/0026149).
6. Regarding claim 1, Furem et al show a method for obtaining data stored in a non-volatile memory and data stored in volatile memory in a facility monitoring system, comprising: sending a first data request message from a client computer to a database

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computer server requesting data, the first data request message having start and end date and times (abstract, Figures 1, 2, para 8, 9, 87, 198, 213);

retrieving a first data set stored in the non-volatile memory utilizing the database computer server, the start and end dates and times, wherein the first data set includes data collected from at least one sensor over a first predetermined time interval (para 7, 8, 82, 85, 135, 143, 168, 169, 180);

sending a second data request message from the database computer server to a data acquisition computer server if a portion of the data requested by the first data request message has the end date and time after the first predetermined time interval (para 143, 148, 168, 177, 180; 198);

retrieving a second data set stored in the volatile memory utilizing the data acquisition computer server, the start and end dates and times, wherein the second data set comprises data collected from the at least one sensor over a second time interval after the first time interval (para 135, 143, 168, 198, 213);

sending a first data return message from the data acquisition computer server to the database computer server, the first data return message having the second data set (para 165, 172, 177, 182);

sending a second data return message from the database computer server to the client computer, the second data return message having the second data set (70, 112, 170, 173, 177, 180, 193, 194) and storing at least a portion of the first data set and the second data set in a first memory, utilizing the client computer (para 174, 176, 177).

Furem et al do not go into the specific details of the request message having the list of segment identifiers such that the data is retrieved utilizing the database and server based on the list of segment identifiers, but do mention the efficient transmission and retrieval of data with the database and server as well as the start and end times and dates. Furthermore, Marsh et al do show a data acquisition system in which the request message having the list of segment identifiers such that the data is retrieved utilizing the database and server based on the list of segment identifiers and start and end date and times, for efficient transmission and retrieval of data with the database and server (Figures 3, 8, para 36, 46). It would have been obvious to have this in Furem et al, because it would allow efficient transmission and retrieval of data with the database and server in a data acquisition system.

7. Regarding claim 2, the first data set corresponds to values obtained from a plurality of sensor signals measuring operating parameters associated with a plurality of devices in a plant or processing facility (Furem et al para 167-170, Figure 1).

8. Regarding claim 7, the non-volatile memory comprises a hard drive and the volatile memory comprises random-access memory (Furem et al para 101, 174-177).

9. Regarding claim 8, note generating a graphical plot of at least a portion of the first data set and the second data set on a computer monitor, utilizing the client computer (Furem et al Figures 6, 8, 11, 13, para 195, 197),

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10. Regarding claim 9, note generating a data report based on at least a portion of the first data set and the second data set, utilizing the client computer (Furem et al Figures 5A-C, para 193).

11. Regarding claim 10, note exporting at least a portion of the first data set and the second data set to a first software application, utilizing the client computer (Furem et al para 197-200).

12. Claims 11-13, 18-20, and 22 show the same features as claims 1, 1, 2, 7, 8, 1, and 1 respectively, and are rejected for the same reasons as those claims are respectively.

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Sax whose telephone number is (571) 272-4072. The examiner can normally be reached on Monday thru Friday, 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174
